

APPENDIX

APPELLEE'S APPENDIX

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING MEDICAL EXAMINING BOARD

In the Matter of the
Investigation of the Practices of
DUANE R. LARKIN, M.D., Licensee.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

The Medical Examining Board, having conducted an investigative hearing and having heard testimony and evidence concerning the medical and surgical practices of Duane R. Larkin, M.D., on July 12 and 13 and October 4, 1973, in accordance with sec. 448.17, Stats., now makes the following

FINDINGS OF FACT

(1) That Duane R. Larkin, M.D., hereafter called the licensee, is a resident of Livonia, Michigan.

(2) That the licensee was granted license number 17697 by reciprocity with the State of Michigan to practice medicine and surgery in the State of Wisconsin on or about August 17, 1971, and that thereafter he opened an office for the practice of medicine, specializing in the performance of abortions, at 710 North Plankinton Avenue and 710 North Sixth Street, Milwaukee, Wisconsin.

(3) From on or about August 17, 1971, until on or about April 25, 1972, the licensee rented quarters and

App. 2

subsequently practiced medicine and surgery at 710 North Plankinton Avenue, Milwaukee, Wisconsin, under a name other than that for which he was originally licensed to practice medicine and surgery in the State of Wisconsin, to wit: Glen Johnson, and that such conduct operated to mislead the public as to his identity.

(4) From on or about August 17, 1971, until on or about May 25, 1973, the licensee counseled and advised doctors employed by him at his abortion clinic at both of the above addresses in Milwaukee, Wisconsin, to use names other than the names under which they were originally licensed to practice medicine and surgery in Wisconsin, to wit:

- (a) Dr. Ik Hak Bae to use the name Dr. Rhee,
- (b) Dr. Krishna Murthy, an unlicensed doctor holding a temporary educational certificate, to use the name Dr. Reamon or Ramon,
- (c) Dr. Young Whan Ahn, an unlicensed doctor, to use the name Dr. Park,

and that such conduct operated to mislead the public as to the identity of the doctors involved.

(5) From on or about August 17, 1971, to on or about February 27, 1973, the licensee has split professional fees earned from abortions performed at the above addresses with Robert C. Moore of Detroit, Michigan, operator of Haven Midwest, an abortion referral agency, in payment for the patients solicited by Robert C. Moore and referred to the licensee for abortions; that the licensee had similar arrangements with other referral agencies and other individuals.

(6) That between on or about August 17, 1971, and on or about February 27, 1973, the licensee employed unlicensed persons to engage in the practice of medicine and

surgery, including a Dr. Young Whan Ahn and Dr. Krishna Murthy, an unlicensed doctor holding a temporary educational certificate which limited his practice to medical training at Mount Sinai Hospital, Milwaukee, Wisconsin.

(7) That between on or about August 17, 1971, and on or about September 30, 1973, the licensee has split fees with Dr. Benjamin Victoria, Dr. Ik Hak Bae, Dr. Krishna Murthy, and Dr. Young Whan Ahn and has failed to render individual statements or accounts of his charges to patients for services of himself and other physicians.

CONCLUSIONS OF LAW

(1) That in practicing medicine and surgery under the name Glen Johnson the licensee was engaging in conduct unbecoming a person licensed to practice or detrimental to the best interests of the public, within the meaning of sec. 448.18 (1) (g), Stats.

(2) That in counseling and advising doctors employed by him at his abortion clinic to use names other than the names under which they were originally licensed to practice medicine and surgery in Wisconsin, the licensee has engaged in conduct unbecoming a person licensed to practice or detrimental to the best interests of the public, within the meaning of sec. 448.18 (1) (g), Stats.

(3) That in splitting fees with referral agencies such as Haven Midwest and with other doctors, there is probable cause to believe that the licensee has violated the provisions of sec. 448.23 (1), Stats., and has engaged in conduct unbecoming a person licensed to practice or detrimental to the best interests of the public within the meaning of sec. 448.18 (1) (g), Stats.

App. 4

(4) That in permitting unlicensed persons to practice medicine and surgery there is probable cause to believe that the licensee has violated secs. 448.02 (1) and 939.05 (2) (c), Stats., and has engaged in conduct unbecoming a person licensed to practice or detrimental to the best interests of the public within the meaning of sec. 448.18 (1) (g), Stats.

DECISION

Within the meaning of sec. 448.17, Stats., it is hereby determined that there is probable cause to believe that the licensee has violated the criminal provisions of ch. 448, Stats., and that there is probable cause for an action to revoke the license of the licensee for engaging in unprofessional conduct.

Therefore, it is the decision of this Board that the secretary verify this document and file it as a verified complaint with the District Attorney of Milwaukee County in accordance with sec. 448.18 (2), Stats., for the purpose of initiating an action to revoke the license of Duane R. Larkin, M.D., to practice medicine and surgery in the State of Wisconsin and initiating appropriate actions for violation of the criminal laws relating to the practice of medicine.

BY THE BOARD:

/s/ *Thos. W. Tormey, Jr.*

Thos. W. Tormey, Jr., M.D.,
Secretary

Subscribed and sworn to before me
this 5th day of October, 1973.

Deanna Zeplowski

Notary Public,

Dane County, Wisconsin

My commission expires October 24, 1976.

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7